

**Hearing Officer Meeting Minutes  
May 13, 2021**

A meeting of the City of Yuma's Hearing Officer was held on May 13, 2021, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Pamela Walsma.

**CITY OF YUMA STAFF MEMBERS** present included Phillip Rodriguez, City Administrator; Kenneth Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Shelly Hook, Development Project Coordinator; Chad Brown, Associate Planner; Amelia Griffin, Associate Planner; Alejandro Marquez, Administrative Assistant and Lizbeth Sanchez, Administrative Assistant.

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**Walsma** called the meeting to order at 9:30 a.m.

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**CONSENT CALENDAR**

**Walsma** approved the minutes of April 22, 2021.

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**PUBLIC HEARINGS**

**VAR-33894-2021:** *This is a request by Ronald Pailliotet, on behalf of the City of Yuma, for a variance to reduce the minimum square feet of lot area per multi-family unit from 2,000 square feet to 600 square feet and to eliminate the requirement for on-site parking for a proposed rooftop restaurant in the Old Town (OT) District, for the property located at 46 W. 2<sup>nd</sup> Street, Yuma, AZ.*

**Alyssa Linville, Assistant Director DCD**, summarized the staff report recommending **APPROVAL**.

**QUESTIONS FOR STAFF**

**Walsma** asked how the commercial parking was going to be utilized. **Linville** replied the commercial parking was to be shared by the local businesses and residents of the proposed project.

**Walsma** then asked how the noise from the commercial properties would affect the residents of the apartment complex. **Linville** deferred the question to the Assistant City's Attorney. **Assistant City Attorney Scott McCoy** replied the residents would be made aware that they would be living in an urban downtown environment, and that there would be noise from neighboring businesses.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Ronald Pailliotet, 4555 W. La Quinta Loop Yuma AZ, 85364**, referred back to the Hearing Officer meeting of April 8, 2021, and wanted to address some of the concerns that were brought up at the meeting. The variance request was consistent with other urban environments, and was important to the success of the project. Patrons of the restaurant would use the shared parking area within the mall, noting that the size of the restaurant has not been determined.

**Walsma** asked Pailliotet if he had reviewed and accepted the Conditions of Approval in Attachment A. **Pailliotet** answered yes.

**Pailliotet** then addressed concerns over the noise impacting the residents of the proposed apartments, by stating that the building will contain modern day sound attenuation on all the walls facing the adjoining properties.

**OPEN PUBLIC COMMENT**

**Jim Smith** (no address given), expressed concern about the parking and zoning requirements surrounding the proposed project.

**Ricky Good** (no address given), expressed concern about the lack of parking spaces on 2nd Street.



**Chris Wheeler, 278 South Main St. Yuma AZ, 85364**, expressed his support for the proposed project and the revitalization of the downtown area.

**Sheryl Hehe, representing the Yuma County Chamber of Commerce**, read a statement from the Chamber of Commerce in support of the proposed project.

**Lenore Stewart**, (no address given), said she was a building owner in the downtown area, expressed concern about parking in the downtown area.

**Christine McConnaughay, 331 S. Madison Ave. Yuma AZ, 85364**, expressed concern about parking in the downtown area.

**Mickey Garza**, (no address given) said he was owner of a downtown area building, stated he was in favor of the proposed project.

**Clint Harrington 2975 S. Ave. B Yuma AZ, 85364**, commented that the proposed project was going to help revitalize the downtown area and was in favor of the project.

**Robert Rodriguez, 284 S. Main St. Yuma AZ 85364**, stated that he was in favor of the proposed project.

**Eddie Guzman, 2071 S. 4th Ave. Yuma AZ, 85364**, stated that he was in favor of the proposed project.

**Yvonne Peach**, (no address given) stated she was a local business owner, and expressed concern about parking in the downtown area. She then stated that the City and County need to consider building a parking garage.

**Kevin Eatherly, Pilkington Construction**, stated that the way the downtown area was going thrive was through private development and by addressing the parking issue.

**Walsma** asked if there was going to be sufficient parking for the residents of the apartments, and did the parking area meet City Code. **Linville** answered yes.

**Walsma** asked **Linville** if she had anything more to add about a comment in the staff report where the City Council indicated their desire to see an increase in residential and mixed-use development within the downtown area. **Linville** answered that the City Council believes in the revitalization of the downtown area, and that residential development will encourage that.

**Walsma** then asked if there had been any discussions about expanding the parking in the future. **Linville** deferred the question to the Assistant City Attorney. **McCoy** replied yes there have been discussions on ways to enhance the available parking in the downtown area.

## **DECISION**

**Walsma** granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

**Jim Smith** then commented that he wanted to appeal the decision to the Planning and Zoning Commission.

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**CUP-34547-2021:** *This is a request by Alan Cubberley, on behalf of Circle K Stores, Inc., for a Conditional Use Permit for soil and ground water remediation in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at 379 W. 1<sup>st</sup> Street, Yuma, AZ.*

**Alyssa Linville, Assistant Director DCD**, summarized the staff report recommending **APPROVAL**.

## **QUESTIONS FOR STAFF**

**Walsma** asked if there was any comments submitted by the public or property owners. **Linville** answered no.

## **APPLICANT/APPLICANTS REPRESENTATIVE**

**Shanda Wagner, Encore Consultants representing Circle K**, was present and available for questions. **Walsma** asked if the project was for health and safety. **Wagner** replied yes.



## OPEN PUBLIC COMMENT

None

## DECISION

**Walsma** granted the variance, subject to the Conditions of Approval in Attachment A, finding that the seven criteria of Yuma City Code §154-03.05(G)(2) had been met.

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**VAR-34488-2021:** *This is a request by Ronald Pailliotet, on behalf of John F. & Flora Pailliotet Trust, to allow an accessory building to exceed 50% of the total square footage of the primary residence and to reduce the minimum side street driveway length of 20' to 10' in the Low Density Residential (R-1-6) District, for the property located at 595 W. 19<sup>th</sup> Street, Yuma, AZ.*

**Amelia Griffin, Associate Planner**, summarized the staff report recommending **DENIAL** of the request to allow an accessory building to exceed 50% of the total square footage of the primary residence and **APPROVAL** of the request to reduce the minimum side street driveway length of 20' to 10'.

## QUESTIONS FOR STAFF

**Walsma** asked if there were other structures in the neighborhood of the same size. **Griffin** replied yes, but the Zoning Codes have changed since the existing structures were built. **Walsma** then asked if Staff knew how many of those structures exceeded the current Zoning Code. **Griffin** replied there were two.

**Walsma** then asked what type of material would be used for the structure. **Griffin** replied metal.

## APPLICANT/APPLICANTS REPRESENTATIVE

**Ronald Pailliotet, 4555 W. La Quinta Loop Yuma AZ, 85364**, gave a brief presentation of the proposed project.

**Walsma** asked if the proposed project would exceed 50% coverage. **Pailliotet** replied that the structure is right at 50% coverage. **Walsma** then asked if there were any alternatives to avoid exceeding the 50%. **Pailliotet** replied the only way to do it would be to shrink the size of the building. **Walsma** asked if it could be attached to the residence. **Pailliotet** replied no.

## OPEN PUBLIC COMMENT

**Alan Pruitt, 1906 S. 6<sup>th</sup> Avenue Yuma AZ, 85364**, stated that he was in full support of the proposed project. **Walsma** asked if he was concerned about the height of the structure. **Pruitt** replied no, because it was going to be in character with the neighborhood.

## DECISION

**Walsma** granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

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**Walsma** adjourned the meeting at 9:47 a.m.

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Minutes approved and signed this 10<sup>th</sup> day of June, 2021.

  
Hearing Officer